

# **EXHIBIT 4**

1       item.

2                       When we were on break -- can I make  
3       a comment?

4               Q.       Perhaps we should go off the  
5       record.

6                       THE WITNESS:   Okay, could we.

7                       THE VIDEOGRAPHER:   Going off the  
8       record at 12 o'clock.

9                       (Discussion off the record.)

10                      THE VIDEOGRAPHER:   Back on the  
11       record, 12:01.

12       BY MR. REDDY:

13               Q.       Now, I believe you just stated that  
14       the catalog was associated with the specific  
15       item; is that correct?

16               A.       Correct.

17               Q.       So the catalog is not associated  
18       with the supplier; is that an accurate  
19       statement?

20                      MS. HUGHEY:   Objection;  
21       mischaracterizes the witness' testimony.

22               A.       The catalog ID is part of the item  
23       master file, period.   There is no catalog ID in  
24       the vendor master.

25               Q.       Now, with respect to the user

1       that there was not a prohibition against  
2       duplication of either the software or the  
3       manuals with respect to the trial version of the  
4       software?

5                   MS. HUGHEY:  Objection; asked and  
6       answered.

7           A.       Yeah, I think I've already answered  
8       that.

9           Q.       What was your answer?

10          A.       My answer is I believe that it was  
11       most probable that there was some kind of  
12       wording to protect us on that.  But I couldn't  
13       say for sure unless I had the agreement in front  
14       of me.

15          Q.       If I could return for a moment to  
16       Exhibit No. 2, which was I believe the guided  
17       tour.

18          A.       Okay.  Got it.

19          Q.       And the page which we've been  
20       referring to as L 126664.  Which were the  
21       results from the purchase requisitioning  
22       section.

23          A.       Okay.

24          Q.       So if a user selected an item from  
25       this list, at this point was there any way that

1 a user could cross-reference this item with  
2 other items in the P.O. Writer database?

3 MS. HUGHEY: Objection; vague.

4 Q. You can answer if you understand  
5 the question.

6 A. On this screen, they're looking at  
7 a list of items that match their search  
8 criteria. If they were to select the  
9 combination, the ship forward to look for  
10 additional information, that's shown on the next  
11 page, the 665.

12 The only way in this version that  
13 they could cross-reference is if they chose, as  
14 a customer, to implement the user defined fields  
15 or to provide additional information in the  
16 extended description area as to what a  
17 cross-reference might be. So that would  
18 strictly be how that particular customer might  
19 have chosen to implement the product.

20 Q. And as we discussed earlier, that  
21 additional line information, the user defined  
22 fields within the additional line information,  
23 was entirely up to the user to enter whatever  
24 information they wanted to in those fields;  
25 correct?

1           **A.       That's correct.**

2           **Q.       And those user defined fields could**  
3 **not have been searched in the version 10 of the**  
4 **P.O. Writer Plus system; correct?**

5                   MS. HUGHEY: Objection;  
6                   mischaracterizes the witness' testimony.

7           **A.       The user defined fields could not**  
8 **be searched to do an item look up. And to my**  
9 **knowledge, and based on what's in this document,**  
10 **they couldn't be searched in this version.**  
11 **That's my understanding after looking at this**  
12 **document.**

13                   So they were there for reference.

14           **Q.       You can set that document aside.**  
15                   **(McEneny Exhibit 5 for**  
16 **identification, document entitled "Tenth**  
17 **Edition," production numbers L 126501**  
18 **through L 126513.)**

19                   MR. REDDY: I've handed a document  
20 to be marked as Exhibit No. 5, which is a  
21 document Bates labelled L 126501 through  
22 126513. And at the top it states "tenth  
23 edition," in parentheses, April 1993.

24           **Q.       If you can take a few moments to**  
25 **familiarize yourself with that document.**